Details specific drinking water, human health, and environmental concerns that need to be included

July 22, 2010

WASHINGTON, DC – Congressman Joe Sestak (PA-07), although unable to attend due to Congressional obligations, joined concerned Pennsylvanians gathered in Canonsburg, Pennsylvania by submitting his comments regarding the proposed Environmental Protection Agency (EPA) study on the impact of hydraulic fracturing on drinking water. In his statement to the EPA (see below), he called on the agency to assist in the safe and productive development of Marcellus Shale natural gas deposits. As they work to compose the final study, the EPA will take public comments from across the nation and from the meetings held in: Fort Worth, Texas; Denver, Colorado; Canonsburg; and Binghamton, New York.

“There is extraordinary economic potential associated with the development of Marcellus Shale resources,” said Congressman Sestak. “However, as the oil spill in the Gulf reminds us, there is also great risk. It is, therefore, critical that this study is detailed and completed in a transparent manner. I encourage the EPA to create a thorough and scientifically based study, and I suggest that they do so in as expeditious a manner as feasible, given strong economic pressures and rapid development already taking place, especially in Pennsylvania.”

In his comments, the Congressman outlined key points which the study must address: the impact of many wells in a small area, as is already the case in Pennsylvania; the effectiveness of municipal wastewater treatment systems in handling the fluid drawn out of the wells; standard engineering controls and safety practices related to the drilling technology; and the risks posed by abandoned wells, acknowledging that more than one-half of the location of Pennsylvania's abandoned oil and gas wells are unknown.

"Communities in Pennsylvania are facing significant amounts of drilling in relatively small areas," said Congressman Sestak in his comments. "They were approved and initiated prior to this study, and created, I believe, in an expeditious manner that is potentially harmful. While we must understand the impact of fracking in individual wells, this study must also consider anticipated high-density drilling in relatively short periods of time to account for the cumulative effects of drilling on a region's drinking water supply."

Along with these comments, Congressman Sestak has joined Senator Casey in support of the FRAC Act, which would restore Safe Drinking Water Act protections for drilling operations using fracture drilling. In addition, after a blowout and explosion at a drilling site in Clearfield County, Pennsylvania last month, Congressman Sestak wrote to EPA Administrator Lisa Jackson to urge improved safety measures to protect Pennsylvanians from the potentially detrimental effects of hydraulic fracturing noting that oversight was inadequate and putting workers at risk.

Individuals or organizations wishing to contribute written comments to the EPA regarding the proposed hydraulic fracturing research study can do so from now until September 1, 2010 by emailing comments to hydraulic.fracturing@epa.gov or by mailing them to:

Jill Dean
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW, Mail code 4606M,
Washington, DC 20460

The Congressman's Written Comment on the "Scoping Materials for the Initial Design of the EPA Research Study on the Potential Relationships Between Hydraulic Fracturing and Drinking Water Resources":

I want to thank the Environmental Protection Agency (EPA) for this opportunity to comment on the initial design of the agency's research study on the relationship between hydraulic fracturing and drinking water resources.

Our nation – and particularly the Commonwealth of Pennsylvania – faces an important opportunity to access large quantities of natural gas that can help us meet our domestic energy needs, reduce our dependence on foreign energy sources, and generate thousands of local jobs. Clearly, we should develop the Marcellus Shale, and other shale plays. However, we must do so in a way that demonstrates a sense of responsibility for the quality of life for all Pennsylvanians, the need for our children to have good jobs and a secure economic future and, of course, the safety of the communities in which the drilling takes place.

To do so, we must take appropriate steps now to reduce health, safety, and the environmental risks, while we also take full advantage of our natural resources to take the national and global lead in producing energy for the 21st century. If we exercise due diligence now to ensure these shale plays are developed safely and effectively, we can create stable, plentiful jobs, reduce our dependence on foreign oil, and decrease our country's contribution to greenhouse gas emissions.

This EPA study is a critical part of the process for evaluating potential risks from this development. Done correctly, this study will enable us to take appropriate steps to reduce those risks and the potentially catastrophic, unintended consequences of unchecked exploitation of our resources. That is why I supported and voted for last year’s legislation that called for the undertaking of this study.

I support the study's comprehensive framework that encompasses all aspects of the hydraulic fracturing process, from start to finish and including the impact on people’s health as well as the environment, which in turn affect our economy’s future. In addition, I emphasize that communities in Pennsylvania are facing significant amounts of drilling in relatively small area. They were approved and initiated prior to this study, and created, I believe, in an expeditious manner that is potentially harmful. In addition to understanding the impact of fracking in individual wells, this study must also consider anticipated high density drilling in relatively short periods of time to account for the cumulative effects of drilling on a region’s drinking water supply.

The study should also include analysis of the ways that the contaminants from the fracking chemicals and the methane used can pollute water below and above ground. The impacts from fracking operations can come from the subsurface fracking itself and the pre-drilling, but can also result from on-sight storage and disposal of fracking and waste fluids.

In light of the American Society of Civil Engineer's assessment that Pennsylvania has $7.18 billion in wastewater infrastructure needs, I see a pressing need for the proposed research on the effectiveness of municipal wastewater treatment systems in dealing with hydraulic fracturing flowback – the process by which the potentially dangerous chemicals are brought back to the surface and can potentially be mixed into the regular water supply – as well as ground contamination. These waters are often being directed to Publicly Owned Treatment Works (POTWs) and, as such, the potential of new and existing drinking water and public water treatment technology needs to be assessed.

Another concern that has been raised, and should be examined in the study, is the potential risk of migration that can occur from previously abandoned, but not properly sealed wells in proximity of fracking operations. A recent report from the Pennsylvania Environmental Council noted that, according to the Pennsylvania Department of Environmental Protection, the location and status of more than one-half of the oil and gas wells that have been drilled in the Commonwealth (approximately 184,000 wells) are unknown.

Pennsylvania's legacy of Acid Mine Drainage (AMD) has left 2,500 miles of deteriorated streams and 250,000 acres of contaminated land in Pennsylvania at the expense of a $15 billion clean up. The example of AMD highlights the need to establish clear standards for pre-drilling investigations of background conditions to understand the potential for contamination. Accurate scientific data from pre-drilling investigations are needed to counter false claims of pre-existing aquifer contamination.

Finally, the study should include an assessment of the effectiveness of standard engineering controls and safety practices related to the drilling technology itself, along with corresponding regulatory oversight and enforcement measures.

Along with these important elements of the study, it is critical to perform the study and share the results in an open and transparent manner. While I encourage the EPA to create a thorough and scientifically based study, I suggest that they do so in as expeditious a manner as feasible, given strong economic pressures and rapid development already taking place, especially in Pennsylvania. To this end, as the study is not scheduled to be completed until 2012, I request a website be established where interested parties can easily learn about the study, track progress, and access underlying and intermediate data and conclusions.

There is extraordinary economic potential associated with the development of Marcellus Shale resources. However, as the oil spill in the Gulf reminds us, there is also great risk. It is therefore critical that this study is thorough and completed in a transparent manner, in partnership with other federal agencies. Optimum use must be made of the limited resources available to this study. If the EPA determines that they have been allocated insufficient resources for conducting this project, I expect you will inform me and other elected officials so that we can appropriately address the shortfall.

I look forward to following the study’s progress and reading the results, and I appreciate the EPA's commitment to long-term involvement in assessing the impact of hydraulic fracturing.

Born and raised in Delaware County, former 3-star Admiral Joe Sestak served in the Navy for 31 years and now serves as the Representative from the 7th District of Pennsylvania. He led a series of operational commands at sea, including Commander of an aircraft carrier battle group of 30 U.S. and allied ships with over 15,000 sailors and 100 aircraft that conducted operations in Afghanistan and Iraq. After 9/11, Joe was the first Director of "Deep Blue," the Navy's anti-terrorism unit that established strategic and operations policies for the "Global War on Terrorism." He served as President Clinton's Director for Defense Policy at the National Security Council in the White House, and holds a Ph.D. in Political Economy and Government from Harvard University. According to the office of the House Historian, Joe is the highest-ranking former military officer ever elected to the U.S. Congress.